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# PUBLIC HEALTH REPORTS

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## FALSE CLAIMS REGARDING PATENT MEDICINES.

THE UNITED STATES SUPREME COURT DECIDES THAT THE SHERLEY AMENDMENT TO THE FEDERAL PURE FOOD AND DRUGS LAW IS VALID.

In December, 1912, several cases of "Eckman's Alterative" were seized by officers of the United States on the ground that they were misbranded and subject to condemnation under the Sherley amendment to the Federal pure food and drugs act, which provides that drugs shall be deemed to be misbranded if the package or label shall bear or contain any statement regarding the curative or therapeutic effect of the drug which is false and fraudulent.

In every package containing one of the bottles was a circular containing this statement: "Effective as a preventative for pneumonia." "We know it has cured and that it has and will cure tuberculosis." It was alleged by the Government that this statement was false, fraudulent, and misleading. The Supreme Court of the United States decided January 10, 1916, that Congress has power to "condemn the interstate transportation of swindling preparations designed to cheat credulous sufferers;" that false and fraudulent statements regarding the curative properties of patent medicines or other drugs shipped in interstate commerce rendered such drugs liable to condemnation under the law; and that "persons who make or deal in substances or compositions alleged to be curative are in a position to have superior knowledge and may be held to good faith in their statements."

The opinion is published in this issue of the Public Health Reports, page 137.

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## THE HARRISON ANTINARCOTIC LAW CONSTRUED.

SEVERAL UNITED STATES COURTS DECIDE THAT POSSESSION OF HABIT-FORMING DRUGS BY PERSONS NOT REQUIRED TO REGISTER IS NOT A VIOLATION OF THE LAW.

The Federal law known as the Harrison antinarcotic law went into effect March 1, 1915. Within a very short time a number of prosecutions under the law were instituted.<sup>1</sup>

Section 8 has been considered by several United States district courts, and at least three of these courts have decided that the pro-

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<sup>1</sup> Public Health Reports Dec. 10, 1915, p. 3631; Dec. 17, 1915, p. 3715; Dec. 24, 1915, p. 3777.